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12 ROSS ISLAND SAND & GRAVEL CO.
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15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA
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19 LAWRENCE BRICE, an individual; JAMAL
20 DEONLATREL BRICE, an individual,
21 Plaintiffs,

22 v.
23 ROSS ISLAND SAND & GRAVEL CO., an
24 Oregon corporation,
25 Defendant.

26 Case No. 2:23-cv-02613-DC-JDP

27 **STIPULATION AND ORDER FOR
28 PHYSICAL EXAMINATION OF
PLAINTIFF LAWRENCE BRICE**

29 Complaint Filed: November 9, 2023
30 Trial Date: TBD

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32 The parties to this action hereby stipulate and agree as follows:

33 1. Pursuant to Rule 35 of the Federal Rules of Civil Procedure, the Court may order a
34 party whose mental or physical condition is in controversy to submit to a physical or medical
35 examination by a suitably licensed or certified examiner. *See Fed. R. Civ. P. 35.*

36 2. In this case, a controversy exists regarding the physical condition of Plaintiff
37 LAWRENCE BRICE (“Plaintiff”), and good cause exists for a physical examination of Plaintiff.

38 3. A physical examination of Plaintiff will be conducted by Ian Stine, M.D., a licensed
39 physician with a specialty in orthopedics and orthopedic surgery. The examination will take place on
40 April 3, 2025, beginning at 12:30 p.m., at 2180 West Grant Line Road, Tracy CA 95376.

4. The examination will be conducted for the purpose of determining the nature and extent of Plaintiff's physical injuries and the relationship thereof to the claims which are the subject of this litigation, and will consist of all necessary and customary activities required to make such a determination, including but not limited to history of the ailments relating to the claims in this lawsuit, and physical examination and evaluation. No questions will be asked by Dr. Stine beyond those necessary to ascertain Plaintiff's medical condition, as it relates to his claims in this lawsuit.

5. It is also agreed by and between counsel that

- a. Counsel for the examinee may attend the examination;
- b. No invasive or painful procedures will be performed on Plaintiff and no blood
- c. Defendant will compensate Plaintiff for mileage to and from the IME.
- d. Counsel for Defendant will provide a copy of Dr. Stine's report to Plaintiff.

The report must be a detailed written report of the examiner setting out the examiner's findings, including results of all tests made, diagnoses, and conclusions. Fed. R. Civ. Proc. 35(b)

Respectfully submitted,

DATED: March 26, 2025

KENNEDYS CMK LLP

By: /s/ Jonathan W. Thame
JONATHAN W. THAMES
GRACE HARRIETT
Attorneys for Defendant
ROSS ISLAND SAND & GRAVEL CO.

DATED: February 27 , 2025 BISH LAW, APC

By: /s/ Mindy S. Bish (as authorized on 2/27/25)
MINDY S. BISH
Attorneys for PLAINTIFFS
LAWRENCE BRICE AND JAMAL BRICE

1 **ORDER**
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IT IS SO ORDERED.

4 Dated: March 28, 2025
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7 JEREMY D. PETERSON
8 UNITED STATES MAGISTRATE JUDGE
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